

### Remarks

Upon entry of the amendment, claim 1 will be pending. Claims 2-24 are hereby cancelled without prejudice or disclaimer. Support for newly amended claim 1 can be found throughout the specification as filed. For example, support for new claim 1 may be found at Table 1 at page 69, row 2, as indicated as "Gene No. 2;" page 88, line 29 to page 90. Thus, no new matter has been introduced.

### The Restriction Requirement

On page 2 of the Office Action mailed March 22, 2004, the Examiner has separated the claims into ten (10) groups. The Examiner contends that the inventions are independent and/or distinct, each from the other, and thus, has required an election under 35 U.S.C. § 121. *See*, Paper No. 31704, pages 2-3. The Examiner has further required election of a single polynucleotide or polypeptide sequence. *See*, Paper No. 31704, page 3, last paragraph to page 4, first paragraph.

In order to be fully responsive, Applicants hereby provisionally elect Group I, encompassing claim 1, drawn to nucleic acids and compositions of SEQ ID NO:12 and clone ID HWJAE49, for further prosecution. (Applicants note the Examiner has rendered the present restriction requirement to claims 1-23, however, Applicants added new claim 24 by Preliminary Amendment on January 18, 2002. In view, of the present amendment claim 24 has also herein been canceled without prejudice or disclaimer.) Applicants reserve the right to file one or more divisional applications directed to the subject matter encompasses by all canceled claims.

### Conclusion

Applicants respectfully request the amendments of the present response be entered and made of record in the present application. If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425.

Dated: 4/22/04

Respectfully submitted,

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